



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 25, 1994

Mr. Robert C. Sheline
Gibbon, Gibbon & Sheline
522 East Van Buren
P.O. Box 2546
Harlingen, Texas 78551

OR94-391

Dear Mr. Sheline:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 25401.

The City of Palm Valley and its chief of police have received a request for an incident report regarding the killing of a pet dog. You suggest that no incident report has been prepared, and that the only documents that exist regarding the killing are statements by chief of police and another city employee. You assert that these statements are excepted from required public disclosure under sections 552.103, 552.107, 552.108 and 552.111.

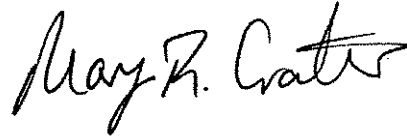
We begin with your section 552.107 contention. Section 552.107(1) excepts from required public disclosure "information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar of Texas." In Open Records Decision No. 574 (1990), this office held that this exception protects information that reveals client confidences to an attorney or that reveals the attorney's legal advice.

You state that in your capacity as city attorney, you requested the chief of police to investigate the matter for you and to prepare a report. "I advised him at the time that the investigation was to be done in anticipation of litigation, on my behalf as city attorney, at my specific request. I further advised that his report should be delivered solely to me." Based on these assertions, we conclude that the two statements consist of client confidences that were communicated to you in your capacity as city attorney solely for the

purposes of obtaining your legal advice. Therefore, you may withhold the two statements under section 552.107 of the act.¹

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Mary R. Crouter".

Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/rho

Ref.: ID# 25401

Enclosures: Submitted documents

cc: Yolanda L. Garza, P.C.
400 West Highway 77
San Benito, Texas 78586
(w/o enclosures)

¹Because we resolve your request under section 552.107, we need not discuss the other exceptions you raise.